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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,947	12/15/2000	Bernard Viville	518-1013	8926

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/673,947

Applicant(s)
VIVILLE

Examiner
James O. Hansen

Art Unit
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 22, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 8, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Apr 22, 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on January 8, 2002. These drawings are acceptable for examination. ✓
2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 22, 2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of reference "10" as depicted in amended figure 2. ✓
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "spring" [claim 15] and the "facing grooves" [claim 17] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. ✓

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. ✓

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 12-20, the phrase "A chest" line 1 respectively, may be deemed as a double inclusion of the previously defined "chest" as recited in claim 11 [the examiner suggests changing "A chest" in claims 12-20 to --The chest--]. ✓

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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8. Claims 11-15 & 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Powder [U.S. Patent No. 3,172,715]. Powder (figures 1-17) teaches of a chest (10) comprising a vertical mast (21 - see fig. 1) on which supports (18) are fixed, the chest having lifting means (manually moving the mast assembly to a desired height and re-securing the assembly to the chest via screws or bolts - in as much as applicant discloses that the "mast can be displaced manually") for moving the mast in a vertical direction, with some of the supports being movable in rotation about an axis which coincides with the mast (see fig. 2); the chest being suitable for maintaining a constant temperature (col. 2, lines 52-60); the mast being adjacent to a vertical edge; the chest including a housing (top chamber for example) capable of housing thermal blocks; the lifting means comprising a spring (49); a spacer (25 for example) being located between two supports; and a retractable guide (30) for facilitating insertion of the supports.

9. Claims 11, 13 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bohata et al., [U.S. Patent No. 5,391,043]. Bohata (figures 1-8a) teaches of a "chest" (12 - in as much as the "chest" is not structurally defined) comprising a vertical mast (40) on which supports including an adjustable fork (100) having two tines is provided with facing grooves (101) are fixed, the chest having lifting means (fig. 4) for moving the mast in a vertical direction, with the supports being movable in rotation about an axis which coincides with the mast (see fig. 7); and the mast being adjacent to a vertical edge.

10. Claims 11-14 & 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith [U.S. Patent No. 5,839,586]. Smith (figures 1-2) teaches of a chest (40) comprising a vertical

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mast (14) on which supports (16 or 18) are fixed, the chest having lifting means (manually moving the mast assembly to a desired height - in as much as applicant discloses that the "mast can be displaced manually") for moving the mast in a vertical direction, with some of the supports being movable in rotation about an axis which coincides with the mast (see col. 2, lines 8-9); the chest being suitable for maintaining a constant temperature (refrigerator); the mast being adjacent to a vertical edge; the chest including a housing (top chamber for example) capable of housing thermal blocks; a spacer (28 for example) being located between two supports; and a retractable guide (removable cap on top of 14) for facilitating insertion of the supports.

11. Claims 11-14 & 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Longmire Sr., [U.S. Patent No. 3,650,591]. Longmire (figures 1-5) teaches of a chest (12) comprising a vertical mast (22) on which supports (26) are fixed, the chest having lifting means (see fig. 4 for example) for moving the mast in a vertical direction, while the supports are capable of rotational movement about an axis which coincides with the mast (see fig. 2); the chest being suitable for maintaining a constant temperature (totally enclosed); the mast being adjacent to a vertical edge; the chest including a housing (right-side drawer) capable of housing thermal blocks; a spacer (30 for example) being located between two supports; and a retractable guide (46) for facilitating insertion of the supports.

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Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 16 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longmire Sr., [U.S. Patent No. 3,650,591] in view of Hoffmann et al., [U.S. Patent No. 3,531,169].

Longmire teaches applicant's basic inventive claimed concept as disclosed above, but does not show the chest as having a lid forming two shelves or show casters on the bottom of the chest.

However, Hoffmann (figures 1-9) teaches of a chest comprising a lid that forms two horizontal shelves (25) and includes castors (20) on the bottom of the chest in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the chest of Longmire so as to include a lid and castors as taught by Hoffmann because the lid [when opened] would provide Longmire with serving platforms on either side of the open top of the housing, while the castors would enable the chest of Longmire to be wheeled about.

Response to Arguments

14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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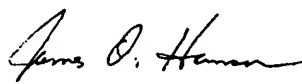
Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows:
Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.


James O. Hansen
Primary Examiner
Technology Center 3600

JOH
July 3, 2002